

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 1:19-CR-696-PAE</b>
	)	
<b>ARI TEMAN,</b>	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT TEMAN’S REQUESTED VOIR DIRE QUESTIONS**

Defendant Ari Teman (“Teman”), by and through his undersigned counsel and pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure and this Court’s Order, respectfully requests that this Court include the following questions (or substantially similar questions) in its examination of prospective jurors.

Duty as Jurors

1. In federal court, each member of the jury is charged with the duty of determining whether the Government proved, or failed to prove, the defendant guilty beyond a reasonable doubt. Does any member of the panel have any problem with this duty?
2. The members of this panel selected as members of the jury in the case today will be the judges of the facts and must accept the law as the Court explains it in its jury instructions. Is there any member of the panel who could not accept this duty?
3. This is a criminal case. In our system of justice, the burden of proof is on the Government to prove the allegations beyond a reasonable doubt. The defendant is presumed innocent unless or until the Government meets its burden. In the United States, no person is ever

required to prove his innocence; the Government is required to prove his guilt—and to do so beyond a reasonable doubt. Is there anybody who does not believe in these ideals? Is there anybody who will not hold the Government to its burden of proof?

4. Has anybody here ever been a juror in a criminal case before? If so, (a) What kind of criminal case? (b) Was the jury able to reach a verdict? (c) Were you the foreperson?
5. Has anybody here ever served on a grand jury? If so, (a) Were you the foreperson? (b) Do you understand that the burden of proof in a grand jury or in a civil case is lower than what the prosecution must prove in a criminal case?

Knowledge of Persons and Parties Involved in the Case

6. Do you or any members of your family or friends know the Honorable Paul Engelmayer? If so, how do you know him? Would that relationship or acquaintance influence your judgment in this case?
7. Do you or any members of your family or friends know any of the prosecutors or anyone who works in the U.S. Attorney's Office here in the Southern District of New York?
8. Have you, a family member, or a close friend ever been employed by the U.S. Department of Justice, the NYPD, or the U.S. Attorney's Office for the Southern District of New York?
9. This case was investigated by the NYPD, specifically by Detective Daniel Alessandrino. Does any member of the panel know NYPD Detective Alessandrino? Does anyone know anyone who currently works for a law enforcement agency?
10. The defendant is Ari Teman. Does anybody know Mr. Teman?
11. Mr. Teman is represented by Justin Gelfand and Joseph DiRuzzo. Does anyone know either of these two attorneys? Mr. Gelfand was previously a federal prosecutor with the U.S.

Department of Justice in Washington, D.C. Did anyone have any interactions with Mr. Gelfand in his capacity as a federal prosecutor?

12. Has any member of the panel, a family member, or a close friend ever been employed by the United States Government? If so, who and how?
13. Has anybody seen, heard, or read anything about this case? If so, what have you seen, heard or read? (At sidebar so as not to prejudice other members of the panel.) Have you formed any opinions about this case based on what you saw, heard, or read?
14. Has anybody discussed any aspect of this case with anybody who claimed to have some knowledge about what may have happened? If so, what have you heard (at sidebar) and have you formed some opinion based on what this person told you?
15. Does anybody know any other member of the jury panel? If so, who are you acquainted with, and how do you know that person? Would that relationship or acquaintance influence your judgment in this case?
16. Does any member of the panel have any legal education or training, or has anyone ever worked in any capacity in a law firm or a law office?
17. Does anybody know any of the following people who may testify in this trial (Court asked to read list of possible witnesses including the names of the entities involved)?

#### Victims of Crime

18. Have any of you ever been victims of crimes or have you had a relative or close friend who was the victim of a crime? If so:
  1. Was anyone apprehended as a result of that crime?
  2. Did you testify in that case?

3. Were you satisfied with the outcome of that case? (Why or why not?)
4. Did you feel justice was done? (Why or why not?)
5. Is there anything about that experience that you believe could influence your judgment in this case?

Witnesses

19. Have any of you ever been witnesses in a trial? If so:

1. Was it a criminal or civil trial?
2. What kind of case was it?
3. Was there anything about that experience that you found unpleasant?
4. Was there anything about that experience that could influence your judgment in this case?

20. Would anybody be influenced by the sheer number of witnesses who may testify for the prosecution or for the defense? Does anybody think that if the defendant calls no witnesses, he/she would be unable to make a decision as to whether the prosecution proved the defendant guilty beyond a reasonable doubt?

21. Would any of you give greater weight or credibility no matter how slight to the testimony of a law enforcement officer?

1. Is there anyone who believes he/she would be unable to judge the credibility of a law enforcement officer's testimony just like everyone else?
2. Is there anyone here who would tend to give a law enforcement officer's testimony greater weight or credibility, or lesser weight or credibility, just because that person is a law enforcement officer? For example, if two people have different

recollections about an occurrence and one is a police officer, would you tend to believe the police officer over the civilian just because that person is a police officer?

22. Would any of you give the testimony of a Government witness greater weight or credibility over that of the testimony of witnesses on Mr. Teman's behalf, just because that person was testifying for the Government?
23. Do any of you believe that you would have any difficulty being asked to judge the honesty and credibility of a witness?
24. If you are selected as a juror in this case, you may be instructed later on that when considering the credibility of a witness, you can consider any biases or prejudices that the witness may have or any motives the witness may have for telling the truth or not telling the truth; do you all understand that concept? Does anybody have a problem considering that a witness may not be telling the truth even if that witness takes an oath in this courtroom and promises to tell the truth?

Instructions

25. Does anybody here think that because Mr. Teman has been charged with a crime, he must have committed the crime?
26. Does anybody here have any opinion at all about whether Mr. Teman is guilty or not guilty in this case before hearing the evidence?
27. Does everybody understand that Mr. Teman is by law presumed innocent?
28. Does anybody here feel that Mr. Teman must have done something illegal or he would not have been charged with a crime?

29. Does anybody here feel that, in criminal cases, the Government is usually right?

30. Does anybody here have any difficulty with the concept of passing judgement on another?

In other words, there are some people who for moral, ethical or religious reasons, believe that it is not proper to pass judgment on the conduct of others. Do any of you hold such beliefs?

31. If you are selected to sit on the jury in this case you will have one of twelve votes. Will you agree to independently decide whether the Government has proven Mr. Teman guilty beyond a reasonable doubt even if other members of the jury disagree with you?

32. Does anybody feel like defendants in a criminal trial should have to prove that they are innocent?

33. Is there anyone here who does not understand that an indictment is not evidence that the crime charged was committed, and it may not be considered as evidence by you in deliberating?

34. Do you understand that Mr. Teman has pled not guilty and that he has a Constitutional right to a presumption of innocence—that is, he is innocent unless the Government is able to prove otherwise and to do so beyond a reasonable doubt?

35. Do any of you have any difficulty presuming that Mr. Teman, as he sits here before you, is innocent?

36. Does the panel understand that the Government is required by law to prove Mr. Teman guilty beyond a reasonable doubt, if they are able to?

1. Is there anybody here who does not agree with that? In other words, is there anyone here who believes it is Mr. Teman's duty to prove himself innocent?

2. Do you all understand that “beyond a reasonable doubt” is the highest burden of proof required by the law?

37. If the Government fails to meet that high burden of proving Mr. Teman guilty beyond a reasonable doubt, is there anyone who does not understand that you must find Mr. Teman not guilty?

38. Is there anyone who would feel that by not returning a guilty verdict, your job as a juror is incomplete or a failure?

39. Do you all understand that Mr. Teman may or may not testify in this case, but that he does not have to testify in this trial, and that nothing can be inferred from him not testifying?

Banks and Financial Institutions

40. Is there anybody who holds any strong personal or philosophical feelings about the banking system of the United States? If so, what are your feelings?

41. Does any member of the panel have any ownership (for example, stock) in any bank or financial institution such as Bank of America?

42. Has any member of the panel ever worked at any bank or financial institution?

43. Does anyone have a close friend or family member that has worked at a bank or financial institution?

44. Has anyone ever worked at a financial regulator such as the FDIC or the OCC? Does anyone have any close friends or family members who have held such jobs?

45. Has anyone ever worked at a real estate company such as a REIT or a property management company? Does anyone have any close friends or family members who have worked at a real estate or property management company?

46. Does anyone have any strong feelings about landlords in New York City?

Respectfully submitted,

***Margulis Gelfand, LLC***

/s/ Justin K. Gelfand

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**Certificate of Service**

I hereby certify that I filed the foregoing through the Court's CM/ECF system which will provide notice of filing to all counsel of record.

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